IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2152 OF 2005

Maulana Mohd. Hanif B. Shaikh ... Petitioner

Versus

The Chairman, Maharashtra State
Wakf Board and Ors. ....Respondents.

Mr. M.B. Shirsat for the petitioner.
Smt. K.A. Sayed for respondent No.1.
Mrs. M.P. Thakur, Assitant Government Pleader, for respondents Nos. 2, 3 and 5.

CORAM: **KSHITIJ R. VYAS, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **APRIL 27, 2006**.

P.C.

The petitioner has challenged the circular dated 24th July, 2003 issued by the Charity Commissioner, Mumbai, and the notice dated 11th January, 2005 issued by the Office Superintendent, Maharashtra State Wakf Board, calling upon the petitioner to appear before the Chairman of Maharashtra State Board of Wakfs in person or through any pleader in response to the application dated 8th January, 2005, filed by respondent No.4.

2. In response to the said notice, the petitioner has in fact

appeared before the said Wakf Board. According to the petitioner,there he came to know that respondent No.4 has falsely stated that respondent No.4 is the President of the Trust and that the said Trust is declared as per Section 43 of the Wakf Act. The petitioner was called upon to submit document to show that the trust is not a Wakf and is a trust contemplated under the Bombay Public Trusts Act, 1950. Since the proceedings with respect to the application preferred by respondent No.4 are pending and no decision is taken on the objections filed by the petitioner challenging the proceedings in the present petition, we feel that it is neither desirable nor proper for this Court to interfere in the matter at this stage.

3. We, therefore, reject this petition only on this short ground, without entering into the merits of the case, with liberty to the petitioner to approach appropriate forum when a final decision is taken.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.